



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

relating to criminal procedure, appear chapters upon Persons Capable of Committing Crimes, of Principals and Accessories, of Indictable Offences. The discussion of Principals and Accessories is very complete. In Book II. are treated the Offences Principally Affecting the Government, the Public Peace, or the Public Rights. More than one hundred pages are given to perjury and subornation of perjury, equally sub-divided into the elements of the offence, the indictment, and the evidence competent on the trial for perjury.

The second volume contains the discussion of Offences against Property, Public and Private. Here, of course, burglary, robbery, larceny, embezzlement, false pretences, etc., forgery and arson are completely treated. In the discussion of larceny the Editors have inserted the judgments of Smith and Stephen, J. J., against conviction, and of Cave, J., and Lord Coleridge, C. J., in favor of conviction of that offence in the ably considered and much discussed case of *R. v. Ashwell*, 16 Q. B. D. 190 (1885). It will be remembered that this is the curious case in which the prosecutor gave the prisoner a sovereign believing it to be a shilling, while the prisoner received it believing that he was receiving a shilling, and upon the discovery of the mistake refused to return the excess. The conviction was affirmed by a court evenly divided—seven judges favoring conviction, while seven opposed it. The decisions contained in the Appendix to this volume, on repealed statutes relating to embezzlement and to forgery, will be useful.

Volume III. includes Books IV., devoted to Offences against the Persons of Individuals, and V., devoted to Evidence. Murder and Manslaughter are exhaustively treated with full American references.

Each volume contains a complete index and mechanically the books could not be improved. The progress of the criminal law, and the statutory changes occurring since 1877 rendered a new edition useful. The profession has received a very ably edited work.

W. B. L.

THE JEWISH LAW OF DIVORCE according to BIBLE AND TALMUD, with some References to its Development in "Post-Talmudic Times." By DAVID WERNER AMRAM. Philadelphia: Edward Stern & Co., Inc. 1896.

There are two quite opposite points of view from which a critic may be expected to review a volume. The first both in frequency and in importance is that of one who, entirely familiar with the subject-matter of his book, is prepared to add from his store of knowledge some suggestions, whether friendly or unfriendly, as to the method in which the writer has accomplished the result before him; and this is what may properly be called the field of "criticism." The other is that of one who finds in the volume a subject-matter quite unfamiliar to him and reads it with a view rather to learn than to teach—rather to make the best of what he finds than to take exception to what he does not find, or even to the manner

of writing and method of composition. Conceding that this latter point of view is not really that of a critic, or hardly even the more modest one of a reviewer, it is, nevertheless, the only one possible to the ordinary reader of such a volume as the "Jewish Law of Divorce," and it is, therefore, proposed simply to call attention, in an entirely uncritical way, to one or two of its leading features.

In the first place, the writer is undoubtedly correct in his view that the study of the Jewish law as found in the Bible and in the Talmud, its interpreter, is a most useful one to the student of modern comparative law. Its peculiar importance is due not only to the fact that it contains a somewhat complete exposition of the laws of a nation in the early Patriarchal age, but also to the further fact that this early code has been continued and modified and extended for centuries, so that a continuous development of what may fairly be called "common law" is presented to the student, in comparison with which the student of the English common law is, in respect to length at least, of very secondary importance. Some points, too, about this Jewish "common law" are in themselves very remarkable; it will doubtless surprise the ordinary lawyer to know, for example, that in the very early Jewish times a system of Married Women's Separate Estates had been developed, and that, in spite of the recognized rights of the husband in the Patriarchal age as the head of the family, the wife's right after separation to the custody of her children was very early conceded.

Another important topic, which is constantly touched upon by the writer, though not fully developed by him, is the anomalous position of the Priests and Scribes under the Jewish law, who seem to have occupied the triple position of makers, expounders and enforcers of the Jewish law. Probably at an early age they would have indignantly denied the statement that they were, or claimed to be, makers of the law, but no one who has read the pages of Mr. Amram's volume and seen how the early Biblical precepts were at first simply explained, and later even set aside without any explanation, could fail to charge them with being—in respect to Religious law at least—the legislators of the Jewish people. In view of their powers, it is quite remarkable that their authority should have been exercised so moderately these many centuries that to-day it is recognized as generally as it was two thousand years ago; that is a striking tribute to the conservatism of these Judges of Israel.

Returning to the subject-matter of the book itself it may be divided into two parts, the theory and principles of divorce on the one hand, and the practice of divorce on the other. With respect to the former—commencing with the Patriarchal theory of the absolute right of the head of the family to do what he chose with his own, and consequently to divorce his wife absolutely at pleasure (a right which was frequently exercised in early Biblical times, beginning with Abraham's treatment of Hagar), the various Priests gradually and by means of fiction, which would have done credit to

the early English judges, deprived the husband of this absolute power, and subsequently again, by affording to the wife the right of divorce, succeeded in elaborating a theory of divorce which, so far as causes were concerned, is strikingly similar to that in vogue in many of our American states, and would seem to suggest the inference that in such an intimate branch of the law as that of family relations, it does not always require an advanced stage of civilization to arrive at a most satisfactory result. The procedure of divorce also seems to have had a considerable development, originating probably in the simple right of a husband to dismiss his wife informally, and without writing and ending in the formal "Get," which, in its complexity and prolixity is aptly compared by Mr. Amram to the modern deed ; further, the laws with reference to the attestation and delivery of the "Get," bear in many respects striking analogies to the modern development of the law with reference to the attestation and delivery of a deed.

The writer has been fortunate in avoiding the introduction into his volume of too much technical law, and the result is an interesting and instructive, though simple, exposition, which, as suggested at the outset, cannot fail to be of interest to the student of the early institutions and comparative law of the most elementary, and perhaps the most important branch of Domestic Relations. It is obviously intended, not as a practical hand-book for the Jewish lawyer, but as an introduction for the unlearned Christian to a new field of general knowledge. It is simple justice to say that the writer has accomplished his intention in a very satisfactory manner, and suggested some interesting topics of investigation which will doubtless be pursued by some of his readers.

Reynolds D. Brown.